



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 20, 1995

Mr. Richard D. Monroe
Deputy General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Building
125 East 11th Street
Austin, Texas 78701-2483

OR95-1540

Dear Mr. Monroe:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36795.

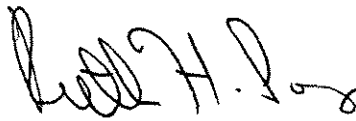
The Texas Department of Transportation (the "department") received a request from the widow of a former department employee for information concerning his life insurance and retirement benefits. The department is treating this as an open records request. You assert that the requested information is excepted from disclosure under section 552.103(a) of the Open Records Act.

For information to be excepted under section 552.103(a), the department must demonstrate that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984 writ ref'd n.r.e); Open Records Decision No. 551 (1990) at 4. You submitted the first page of a petition, which shows that the requestor has filed a wrongful death suit against a corporation in connection with her husband's death. You state that the department is "an Intervenor Defendant" in that lawsuit. You submitted to this office the first page of the department's request to intervene in the lawsuit.

However, you have not explained, nor have you provided information to show, how the information at issue is related to the subject of the pending litigation. Since you have not demonstrated that 552.103(a) is applicable, you must release the information at issue to this requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 36795

Enclosures: Submitted documents

cc: Ms. Nora Villa
1122 E. California
El Paso, Texas 79902
(w/o enclosures)